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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF THE USACM
LIQUIDATING TRUST TO PROOF OF
CLAIM FILED BY AUGUSTINE
TUFFANELLI FAMILY TRUST,
(CLAIM NO. 10725-02575)**

Hearing Date: January 22, 2009
Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. The USACM Trust seeks to disallow your claim because the
USACM Trust contends that your claim is untimely filed, not a claim against USA
Commercial Mortgage Company and that it is duplicative of your claim that was
previously disallowed as a claim against USA Commercial Mortgage Company.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**

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1 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
2 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
3 **CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

4 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and
5 through its counsel, has filed an Objection to Proof of Claim No. 10725-02575 filed by
6 Augustine Tuffanelli Family Trust (the "Objection"). The USACM Trust respectfully
7 requests that the Court enter an order pursuant to § 502 of title 11 of the United States
8 Code (the "Bankruptcy Code"). disallowing Claim No. 10725-02575 filed by Augustine
9 Tuffanelli Family Trust in its entirety..

10 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
11 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
12 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
13 **January 22, 2009, at the hour of 9:30 a.m.**

14 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JANUARY**
15 **22, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
16 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
17 **HEARD ON THAT DATE.**

18 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
19 by **January 15, 2009,** pursuant to Local Rule 3007(b), which states:

20 If an objection to a claim is opposed, a written response must
21 be filed and served on the objecting party at least 5 business
22 days before the scheduled hearing. A response is deemed
23 sufficient if it states that written documentation in support of
24 the proof of claim has already been provided to the objecting
25 party and that the documentation will be provided at any
26 evidentiary hearing or trial on that matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: December 4, 2008.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

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Rob Charles, NV 6593

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Counsel for USACM Liquidating Trust

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L A W Y E R S

Proof of Service

Copy of the foregoing e-mailed ,
or mailed via First Class U.S. Mail to
the following parties on December 4, 2008 to: :

Augustine Tuffanelli Family Trust
Augustine Tuffanelli Trustee
c/o Thomas R Brooksbank
689 Sierra Rose Drive, Suite A2
Reno, NV 89511

Augustine Tuffanelli Family Trust
c/o Augustine Tuffanelli Trustee
2260 Mohigan Way
Las Vegas, NV 89109-3374

By /s/ Carrie Lawrence

Carrie Lawrence,
Lewis and Roca LLP